

PATRICK M. SOLURI (SBN 210036)
SOLURI MESERVE, A LAW CORPORATION
1010 F Street, Suite 100
Sacramento, CA 95814
Telephone: (916) 455-7300
Facsimile: (916) 244-7300

JEFFREY L. ANDERSON (SBN 157982)
Cohen & Durrett, LLP
2100 Northrop Avenue, Suite 900
Sacramento, CA 95825

Attorneys for COALITION FOR
RESPONSIBLE ARENA DEVELOPMENT

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

COALITION FOR RESPONSIBLE ARENA
DEVELOPMENT,

Petitioner and Plaintiff,

vs.

CITY OF SACRAMENTO and DOES 1
through 20, inclusive,

Respondent and Defendant,

RON BURKLE, MARK MASTROV, VIVEK
RANADIVÉ, PAUL JACOBS, and ROES 1
through 20, inclusive,

Real Parties in Interest.

CASE NO.:

**NOTICE OF INTENT TO COMMENCE
ACTION AGAINST THE CITY OF
SACRAMENTO**

(California Environmental Quality Act, Pub.
Resources Code, § 21167.5, Code of Civil
Procedure section 1085, Cal. Const. Art. XVI,
section 6)

1 TO CITY OF SACRAMENTO:

2 PLEASE TAKE NOTICE, under Public Resources Code section 21167.5, that Petitioner
3 and Plaintiff COALITION FOR RESPONSIBLE ARENA DEVELOPMENT intends to file a
4 petition for writ of mandate under the provisions of the California Environmental Quality Act
5 (“CEQA”) against the City of Sacramento, challenging its approval of an agreement, identified
6 as a “term sheet,” between the City of Sacramento and real parties in interest concerning the
7 construction and operation of an Entertainment and Sports Center (“ESC”) in downtown
8 Sacramento. The agreement was approved during the City Council meeting held on March 26,
9 2013.

10 The lawsuit will be based on violations of CEQA and other applicable laws.
11 Specifically, the City violated CEQA by committing to construction and operation of the ESC
12 without first preparing and considering a CEQA document for the project. The City’s approval
13 of the ESC, together with surrounding circumstances, demonstrates that the City is committing
14 as a practical matter to the ESC project. Approval of the “term sheet” forecloses otherwise
15 feasible project alternatives that would achieve the City’s most basic project objectives for an
16 ESC project. Additionally, the City’s approval of the “term sheet” is intended by the City and
17 real parties as a commitment to construct the ESC that will be relied upon by the NBA when it
18 considers whether to reject an existing agreement to sell the Sacramento Kings NBA franchise
19 to third parties.

20 The lawsuit will also be based on violations of Article XVI, section 16 of the California
21 Constitution. Specifically, the financing terms of the ESC constitute an unlawful gift of public
22 funds to private parties. Although the City purports to justify its significant public subsidy to
23 the ESC based on a claim that the ESC will catalyze overall economic development in the local
24 economy, unrefuted evidence demonstrates that this will not occur. Thus, substantial evidence
25 does not support the City’s claimed public benefit from the ESC. Moreover, the City is unable
26 to identify with the total subsidy that it will contribute to the ESC because future operational
27 shortfalls will be a liability to the City’s General Fund. Unrefuted evidence demonstrates that
28 the City’s predicted future operational revenues and costs are unrealistically optimistic.

The lawsuit will also be based on unlawful gifts to public officials and misuse of public funds for private benefit. Specifically, the “term sheet” provides the City with a “luxury suite” at the arena, all associated suite tickets and preferential parking during all arena events as well as additional tickets to such events. These tickets will be used by Councilmembers, their families and chosen City staff. The value of this benefit is approximately \$400,000 per year, which should instead be used to reduce the amount of the City’s subsidy for the ESC.

The exact nature of the allegations and relief sought is described in a Petition for Writ of Mandate.

Dated: April 2, 2013

SOLURI MESERVE,
A LAW CORPORATION

By: 
Patrick M. Soluri
Attorney for Petitioners and Plaintiffs

Dated: April 2, 2013

Cohen & Durrett, LLP

By: 
Jeffrey L. Anderson
Attorney for Petitioners and Plaintiffs

PROOF OF SERVICE

I hereby declare that I am employed in the City of Sacramento, County of Sacramento, California. I am over the age of 18 years and not a party to the action. My business address is 1010 F Street, Suite 100, Sacramento, California 95814.

On April 2, 2013, I served the attached document: **NOTICE OF INTENT TO COMMENCE ACTION AGAINST THE CITY OF SACRAMENTO** by personally delivering a true copy thereof enclosed in an envelope, addressed as follows:

Office of the City Clerk
City of Sacramento
915 I Street, Historic City Hall, 1st Floor
Sacramento, California 95814

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Sacramento, California on April 2, 2013.



Mae Ryan Empleo